IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1324 of 2002

Bombay Gas Company Limited Petitioner

versus

Mr Havish Shankar Phadke & anr .. Respondents.

Ms.S.Kher with Mr Deepak Poonamiya i.b RMG Law Associates for Petitioner

None for Respondents

CORAM : D.G. KARNIK, J

DATED : 7th June 2005.

P.C.

1. Heard learned counsel for the petitioner. None present for the respondents. Learned counsel for the petitioner states that the facts in this petition are identical with the facts in Writ Petition No. 1323 of 2002 save and except that application under section 33 (C) (2) made by the respondent no.1 for the payment of salary in the present case covers the period from May, 1999 to November, 1999. For the reasons recorded in the order passed in Writ Petition No.1323 of 2002 I

have held that the respondent no. 1 ceased to be an employee of the petitioner with effect from 26th December, 1983. Therefore petition by the 1st respondent under section 33 (C) (2) is not maintainable. Accordingly, for the reasons recorded in the order passed today in Writ Petition No. 1323 of 2002 this petition is also allowed and the Rule is made absolute in terms of prayer clause (a).

D.G.KARNIK, J

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